

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

) MDL No. 2492
)
) Master Docket No. 1:13-cv-09116
)
) Judge John Z. Lee
)
) Magistrate Judge M. David Weisman

DECLARATION OF CRYSTAL UTLEY OF EPIQ MASS TORT

I, Crystal Utley, declare as follows:

1. I am a Senior Vice President of Garretson Resolution Group (d/b/a Epiq Mass Tort).

On July 15, 2016, the Court appointed Epiq Mass Tort (“Epiq”) as the Program Administrator to “administer the Second Amended Settlement in accordance with the terms and conditions of this Order and the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 13.) I make this declaration based upon my personal knowledge, and I am competent to testify as to its contents.

2. In October 2021, Settlement Class Counsel submitted an unopposed motion requesting the Court grant leave to the Program Administrator to pay expenses related to its implementation of the Medical Monitoring Program (“the Program”) in 2021 from the Medical Monitoring Fund (Dkt. 616). In a declaration filed to accompany the motion (Dkt. 616-1), I compared the Program Administrator’s expense projections through the end of 2021 to the original estimates provided by Epiq to Settlement Class Counsel and Counsel for the NCAA (collectively, “the Parties”) in 2015. On October 14, 2021, the Court approved the unopposed motion (Dkt. 616). Subsequently, all Program Administrator expenses for 2021 were consistent with the amounts approved by the Court.

3. The purpose of this declaration is to provide the Court with the Program Administrator expense projections for 2022 compared to the 2015 cost estimate provided to the Parties and to request Court approval for payment for those expenses. (All monetary amounts described in this declaration have been adjusted for inflation at an annual rate of 3.5% per the terms of the Epiq retention agreement.)

Maintenance of the Network of Program Locations

4. In the 2015 cost estimate, the Program Administrator estimated inflation-adjusted expenses of \$135,243 for 2022. Based on work performed to-date, as well as anticipated work for remainder of the year, we project that expenses for this category of tasks will not exceed that amount.

Class Member Services

5. In the 2015 cost estimate, the Program Administrator estimated inflation-adjusted expenses of \$12,899 for 2022. Based on work performed to-date, as well as anticipated work for remainder of the year, we project that expenses for this category of tasks will not exceed that amount.

Provider Support and Provider Invoice Processing

6. In the 2015 cost estimate, the Program Administrator estimated inflation-adjusted expenses of \$16,710 for 2022. Based on work performed to-date, as well as anticipated work for remainder of the year, we project that expenses for this category of tasks will not exceed that amount.

Software Maintenance

7. In the 2015 cost estimate, the Program Administrator estimated inflation-adjusted expenses of \$89,076 for 2022. Based on work performed to-date, as well as anticipated work for

remainder of the year, we project that expenses for this category of tasks will not exceed that amount.

Program Management

8. All activities described thus far in this Declaration were captured in the Program Administrator's 2015 cost estimate. One category of activities that was not captured, however, was overall Program management beyond initial Program setup. Although management of the individual tasks described earlier in this Declaration was included in the cost estimates for those activities, overall Program management activities such as communications with the Special Master, the Parties, and the Medical Science Committee; reporting; and coordination among various Epiq departments were not included in the 2015 cost estimate.

9. We project that 2022 expenses in this category will be in line with those incurred in 2021, adjusted for inflation. Program Management expenses in 2021 were \$97,608. When adjusted for inflation, this amounts to \$101,024. Based on work performed to-date, as well as anticipated work for remainder of the year, we project that expenses for this category of tasks will not exceed that amount.

Pass-Through Expenses

10. As described in the previous declaration (Dkt. 616-1), the Program Administrator paid up-front licensing fees to owners of four psychological assessments required by the Medical Science Committee as part of the Screening Questionnaire. One owner, PAR, Inc. (which owns the Behavior Rating Inventory for Executive Functioning – Adult Version [BRIEF-A] and the Structured Inventory of Malingered Symptomatology [SIMS]) required up-front payment for 4,000 uses of each test. Because the Program has not administered 4,000 Screening Questionnaires to date, there have been no additional expenses associated with these tests to date.

11. The owner of the other two tests, Pearson (which owns the Beck Depression Inventory II [BDI-II] and the Brief Symptom Inventory 18 [BSI-18]), agreed to allow the Program to pay for assessments as they are used, along with the payment of an up-front \$6,880 licensing fee. Based on pay-as-you-go charges to date and projected charges for the remainder of 2022, the Program Administrator estimates pass-through licensing fees of no more than \$10,000 for the Pearson tests administered through the Screening Questionnaire.

12. The Program Administrator has also paid fees to LexisNexis for use of its proprietary identity verification service. This service enables the Program Administrator to verify the identity of all individuals attempting to register for the Program with the use of their personal identifying information. The Program Administrator pays a monthly fee of \$250 for use of this technology. We project total pass-through costs for this technology of \$3,000 in 2022.

13. In all, the Program Administrator requests approval for reimbursement of up to \$13,000 for pass-through expenses – up to \$10,000 for pay-as-you-go fees to Pearson, and \$3,000 for the LexisNexis identity verification service.

Summary

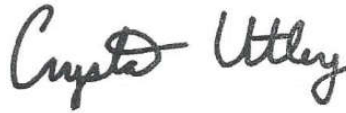
14. In summary, the Program Administrator requests approval for \$367,952 in fees and expenses not previously approved by the Court. This amount includes \$354,952 in fees – \$12,899 for Class Member Services (call center) activity, \$135,243 for maintenance of the network of Program Locations, \$16,710 in provider support and provider invoice processing activities, \$89,076 in software maintenance, and \$101,024 in Program management. It also includes \$13,000 in pass-through expenses – \$10,000 in pass-through licensing fees to Pearson, and \$3,000 in pass-through access fees to LexisNexis.

15. Combined with hourly fees of \$2,558,076 previously approved by the Court, hourly fees requested in this Declaration of \$354,952 would result in total approved hourly fees for the Program to date of \$2,913,028.

16. Combined with pass-through expenses of \$107,868 previously approved by the Court, pass-through expenses requested in this Declaration of \$13,000 would result in total approved pass-through expenses for the Program to date of \$120,868.

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct.

EXECUTED on this second day of June 2022 at Charlotte, North Carolina.



Crystal Utley
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